

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

RACHEL MALDONADO MADRID,

Plaintiff,

v.

R.G.V. LOANS, LLC,

Defendant.

Case No. 7:23-cv-00239

**JOINT DISCOVERY/CASE MANAGEMENT
PLAN UNDER RULE 26(f) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Fed. R. Civ. P. 26(f) and the Court's July 26, 2023 Order for Pretrial Conference [Dkt. 4], the Plaintiff and Defendant submit the following Discovery/Case Management Plan Under 26(f) of the Federal Rules of Civil Procedure:

- 1. State where and when the conference among the parties required by Rule 26(f) of the Federal Rules of Civil Procedure was held, and identify the counsel who attended for each party.**

Date of Conference: 9/22/2023

For Plaintiff: Marwan R. Daher

For Defendant: Francisco J. Rodriguez

- 2. List the cases related to this one that are pending in any state or federal court with the case number and court.**

None.

- 3. Briefly describe what this case is about.**

Plaintiff: Plaintiff brings this action seeking redress for Defendant's violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 et seq., and violations of the Texas Debt Collection Act ("TDCA") pursuant to Tex. Fin. Code Ann. § 392 et seq. Defendant called Plaintiff seeking to collect on a defaulted debt. After Plaintiff explained that she was unable to make payments, she requested the calls cease. Despite Plaintiff's

requests that the collection calls cease, Defendant continued placing harassing collection calls to Plaintiff's cellular phone.

Defendant: Defendant advanced a loan to Plaintiff, which Plaintiff defaulted on. When Plaintiff defaulted on the loan, Defendant made reasonable collections attempts at collecting the loan. Defendant states that Defendant at no time left pre-recorded voicemail messages on Plaintiff's cellular phone, nor did Defendant make harassing calls to Plaintiff.

4. Specify the allegation of federal jurisdiction.

The Court has jurisdiction under 28 U.S.C. § 1331.

5. Name the parties who disagree and the reasons.

None.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

None.

7. List anticipated interventions:

None.

8. Describe class action issues:

None.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

None. Initial disclosures required by Rule 26(a) will be made on or before November 17, 2023.

10. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f)

Responses to all matters raised in Rule 26(a) will be made on or before November 17, 2023.

B. When and to whom the plaintiff anticipates it may send interrogatories:

Plaintiff anticipates that it will send interrogatories to Defendant on or before February 9, 2024.

C. When and to whom the defendant anticipates it may send interrogatories:

Defendant anticipates that it will send interrogatories to Plaintiff on or before November 24, 2023.

D. Of whom and by when the plaintiff anticipates taking oral depositions:

Plaintiff anticipates that it will take Defendant's Rule 30(b)(6) oral deposition on or before April 12, 2024.

E. Of whom and by when the defendant anticipates taking oral depositions:

Defendant anticipates that it will take Defendant's Rule 30(b)(6) oral deposition of the Plaintiff on or before January 19, 2024.

F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

- (i) On or before April 26, 2024, Plaintiff will be able to designate experts and provide the reports required by Rule 26(a)(2)(B).
- (ii) On or before May 17, 2024, Defendant will be able to designate experts and provide the reports required by Rule 26(a)(2)(B).
- (iii) On or before May 17, 2024, Defendant will be able to provide Plaintiff with any exhibits that will be used to summarize or support the expert's opinions as required by Rule 26(a)(2)(B)(iii)..

G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report):

Plaintiff anticipates taking Defendant's expert deposition(s) on or before May 31, 2024, if any.

H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report):

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party:

N/A.

12. Specify the discovery beyond initial disclosures that has been undertaken to date:

None.

13. State the date the planned discovery can reasonably be completed: June 14, 2024

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting:

The parties have discussed settlement but do not believe a prompt settlement is possible.

15. Describe what each party has done or agreed to do to bring about a prompt resolution:

The Plaintiff has made a settlement demand, but the Defendant did not accept.

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable.

Settlement Conference with assigned Magistrate at or near discovery deadline.

17. Magistrate judges may now hear jury and nonjury trials. Indicate the parties' joint position on a trial before a magistrate judge.

The parties do not unanimously agree to a trial before a magistrate judge.

18. State whether a jury demand has been made and if it was made on time:

A jury demand has been made by the Plaintiff. Said jury demand was made on time.

19. Specify the number of hours it will take to present evidence in this case.

It will take approximately eight (8) hours to present the evidence in this case.

20. List pending motions that could be ruled on at the initial pretrial conference:

None.

21. List other motions pending:

None.

22. Indicate other matter peculiar to this case, including discovery, that deserve the special attention of the Court at the conference:

None.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

Plaintiff: Filed August 9, 2023

Defendant: Filed on August 24, 2023 (See Doc. 10).

24. List the names, bar numbers, addresses, and telephone numbers of *all* counsel.

For Plaintiff:

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Dated: September 22, 2023

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Respectfully submitted,

/s/ Francisco J. Rodriguez
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